WHY YORK BERKED BEILD Y GOTOBER IN 1873. THEELE WINDY

THE COURTS.

THE ATLANTIC BANK DEFALCATION.

Alleged Post Office Embezzlement.

The Rights of Colored People to Seats in Theatres.

BUSINESS IN THE OTHER COURTS.

Decisions-A Husband's Liability-Suit to Recover Architect's Fees-The General Sessions Calendar.

26th of May up to the 21st of August, since which time she had received nothing from him; that her husband owned a house in Jersey City worth \$9,000, one in Harlem worth \$8,000, a Central Park lot and thirteen lots in Brooklyn, besides a stand in Washington Market. The articles which she purchased from the plaintiff, she said, were necessary for herself and her child.

The defence was that the articles were not necessary, as the term "necessary" is understood in law, for the use of the defendant's wile, it being proved that they lived separately, and that in a case where goods were sold to the wife without the knowledge or consent of the husband he is not hable to pay for them.

The Court instructed the jury that a husband is liable for necessary articles lurnished to his family if he does not supply them himself with the necessaries of life, and in this case it was purely a question of fact for the jury to determine whether the goods were necessary for the wife and child at that time; and if they found that they were the plaintiff was entitled to recover such amount as the jury saw fit to give him, with interest from the time the goods were sold.

The jury returned a verdict for the plaintiffs for the full amount claimed. A writ of error has been allowed and a citation signed by Judge Blatchford in the case of George Washington Bowen vs. Nelson Chase, known as the celebrated Jumei suit. The case now goes on appeal to the Supreme Court of the United States, and the record, which is very voluminous, will be made out in the course of two weeks.

In the case of John Whitehead, who had been convicted for sending obscene literature through the mails, counsel for the defendant moved an arrest of judgment. After hearing the arguments

the Judge reserved his decision.

The Supreme Court General Term Judges yesterday appointed Messrs. Charles A. Jackson, William F. Kentzing and Edward Gilbert committee for the examination of applicants for admission to the Bar, and Messrs. Edward Patterson, Thomas E. Stillman and Samuel C. Reed committee on

THE ATLANTIC BANK DEFALCA-TION.

Further Postponement of the Trial of

Judge Benedict sat yesterday in the United States Circuit Court, at No. 27 Chambers street, and proceeded with the despatch of criminal business.

THE DEFALCATION IN THE ATLANTIC NATIONAL BANK-THE CASE OF FRANK L. TAINTOR. When the above mentioned case was reached on

Mr. Purdy, United States Assistant District Attorney, said he was ready to go to trial with it. that this surprised him very much, as the District Attorney had served him with notice to the effect Attorney had served him with notice to the effect that the case would not be called on till the second Monday of the term. He had not the slightest idea that the case would be called till Wednesday. He would be ready for trial a week from next Monday, and he asked that the matter be put off till then.

Mr. Purdy remarked that he understood a special plea would be interposed on behalf of the defendant. If such a course were to be taken he desired to know it. If not he was ready to go to trial with the case.

to know it. If not he was ready to go to trial with the case.

Mr. Sherwood said the report about a special plea was new to him. They intended to try the case on the main issue.

After some further conversation between counsel on both sides in relation to the case, the trial was set down for Monday, the 28th inst.

THE CASE OF OSCAR F. WAINWRIGHT.

Mr. Charles Weble, counsel on behalf of Oscar F. Wainwright, who is indicted for perjury, and is in prison, made a motion for the postponement of the trial, on the ground that important and material witnesses for the defence resided in West Virginia, and that time should be allowed for their production.

Virginia, and that time should be allowed for their production.

After some discussion, the Assistant District Attorney consented to a postponment such as would not throw the case over the present term, as he had a witness for the prosecution, an elderly lady, who might die at any moment.

Judge Benedict said he would put the case down for Monday next, and if the witnesses for the defence were not then present, he would hear a motion for further adjournment on proof of what steps had been taken to secure their attendance.

The Case of Stephen H. Knapp—Alleged The Case of Stephen H. Knapp-Alleged Embezzlement in the Post Office.

The defendant, Stephen B. Knapp, had been Superintendent of the Newspaper Department in the Post Office of this city. He is indicted for having embezzled about \$30,000, the property of the

government.
Counsel on behalf of Mr. Knapp moved to quash
the indictment.
Mr. Purch said he would save the learned gentle
man considerable trouble by consenting to striking out the ninth, tenth, eleventh and twelfth

counts.
Counsel on behalf of Knapp then went on to consider the other counts, and argued that the indictment should be quashed on the ground that the allegations therein were vague and uncertain.
The Judge granted the motion as to four counts

RIGHTS OF COLORED CITIZENS.

The Cases of Jarrett & Palmer and Wallack-The Management of Theatres a Private Right.

The right of the colored race to go into theatres has been some time before the courts. Two grand juries have dismissed complaints against Palmer & Jarrett and Josh Hart for violating the so-called Civil Rights law of 1873. Yesterday four cases came up in the Supreme Court, Chambers, before Judge Barrett, againtst Wallack's Theatre.

Mr. A. Oakey Hall moved for a rule obliging the colored plaintiffs to receive unverified answers, and claimed, under a special law of 1854, that in all actions founded upon statutes giving fines and

actions founded upon statutes giving fines and penalties such answers were permitted. He stated that his clients were advised to take this course to escape annoyance, as well as receive legal protection.

Ex-Judge Culver opposed, and claimed that this statute was repealed by the Code and that the management must admit or deny on oath whether it excluded for color or not.

Judge Barrett leaned strongly against him, but took the papers. A similar suit in Albany against Manager Richardson, of the Opera House, resulted in a disagreement of the Jury. But our city managers have, on strong legal advice and authority both in England and America, as was stated on the arguments, claimed and exercised the right to view their theatres as private business places, and excinde whom they please by relusing to sell tickets and without reference to either black or white, theathen chinees, or Jim Nyes. And they deny that the Legislature can force them, while managing a private business, to conduct the latter according to a penal statute. It will now be at least a year before the cases in question come to trial, if they ever do.

BUSINESS IN THE OTHER COURTS.

SUPREME COURT-CHAMBERS.

By Judge Barrett. arbuck.—Motion granted.

SUPERIOR COURT-SPECIAL TERM. Decisions.

By Judge Van Vorst.

By Judge Van Vorst.

Swarts vs. Swarts.—Order of reference.
Bowery Savings Bank vs. O'Donneil.—Motion dismissed, without costs.

Ponvert vs. Belmont and Belmont vs. Ponvert.—
These actions are different and independent in the scope, aim and demand for relief. The issues are not the same. They are not between the same parties, and cannot be consolidated nor tried together as one action. Motion denied.

Jarrett vs. Keilogg.—Order of reference.
Putzel vs. Brunt, Gevner vs. Reymart, Cunningham vs. Levi.—Orders granted.

By Judge Sedgwick.

By Judge Sedgwick.

Miner vs. Beekman et al.—The plaintiff should have Jadgment that he is entitled to redemption from payment of taxes, assessments, &c.

Zabrieski vs., Egan et al.—See decision.

COURT OF COMMON PLEAS-SPECIAL TERM AND CHAMBERS. Decisions.

By Judge Robinson.

In the Matter of Weiler.—Order granted.

Geisler vs. Geisler.—Divorce granted to plaintiff.
Engert vs. Schaefer.—Resale ordered on terms.

MARINE COURT-PART L Landlord and Tenant Suit.

Before Judge Gross.
Gibbons vs. Maillard.—The plaintiff rented from a Mr. O'Brien two buildings on Mercer street at \$6,000 per year, payable monthly, in advance, and sublet to Mr. Maillard a portion thereof for \$200 per month, payable at the end of each month. Upon the July rent becoming due by plaintiff he was unable to pay, although repeated demands

Mr. Mailiard, that he must either pay the rent due to him or be evicted, which Mr. Mailiard did, after consideration, against the protest of Gibbons. This action is brought to recover the same month's rent from Mailiard. The Court instructed the jury that delendant had a right to save himself from being evicted, by paying the rent to the superior landlord when plaintiff had lailed to pay his rent. Verdict in favor of defendant.

testified that she was the wife of the defendant

and resided at No. 158 Jersey avenue, Jersey City;

that on the 16th of last April her husband abandoned her, giving her at the time \$10, and that he

gave her no more money until the Court decreed

ner \$18 a week during the pendency of the suit for

a divorce; that she received this amount from the

26th of May up to the 21st of August, since which

COURT OF GENERAL SESSIONS.

A Dishonest Servant Sent to the State

Prison for Five Years. Before Recorder Hackett.

In this Court yesterday Maria Bauer, against whom were four charges of grand larceny, pleaded

guilty to one indictment, which set forth that on

the 10th of May she stole a silk dress and sack and

one or two articles of jewelry, the aggregate value of which was \$40. She was engaged as a servant by Ferdmand Poock, of No. 213 Bowery, and, after re-maining one day, stole the things and left without giving any notice. She was sent to the State Prison for five years.

Assulting an Officer.

Martin Callahan, who, on the 19th of September, struck Officer O'Halloran with an iron bar, pleaded

guilty to assault and battery. One year in the Penitentiary was the punishment indicted by the

Petit Larceny.

John Wilson and James Williams pleaded guilty

to petit larceny. The allegation was that on the 2d

inst. they stole clothing valued at \$45, the property of Leonard Kromer. They were sent to the Penitentiary for six months.

Acquittals.
Ferdinand Stritmatter, a youth, was tried upon

a charge of acting in complicity with two boys

named Green and Burke in attempting to break into the liquor store of John Howard, No. 43 Spring

street, on the 24th of September last. The evidence

It will be remembered that over a year ago

an emigrant out of \$900 in gold by means of what is known as "the beit game." The case was appealed, and the Court of Appeals has reversed the judgment.

Yesterday Moore was bailed in the sum of \$5,000. Charles Schulz, of 116 Greenwich street, became his

COURT CALENDARS-THIS DAY.

290, 2291, 2292 COURT OF COMMON PLEAS—EQUITY TERM—Held by Judge Daly.—No. 65. COURT OF GENERAL SESSIONS.—Adjourned until

COURT OF GENERAL SESSIONS.—Adjourned until Monday.

MARINE COURT—Part 1—Held by Judge Gross.—
Nos. 2713, 2641, 2968, 2814, 2276, 2620, 3004, 2520, 2784, 2786, 2792, 2850, 2867, 2864, 2868. Part 2—Held by Judge Howland.—Nos. 3012, 2723, 2866, 2882, 2833, 2844, 2746, 2003, 2607, 2691, 2837, 2775, 2743, 2035. Part 3—Held by Judge Spaulding.—Nos. 3349, 3350, 2799, 2806, 3826, 2872, 2838, 2694, 2012, 2908, 2635, 2690, 2701, 2656.

BROOKLYN COURTS.

COURT OF OYER AND TERMINER.

Fatal Affray on Shipboard—Trial of Oscar Hoeliander for Killing Gustave Oisen—Convicted of Manslaughter in

the Third Degree and Sent to the State Prison for Two Years and Six Months.

Before Judge Gilbert,
Oscar Hoellander, a Norwegian sailor, was placed
on trial yesterday morning for killing a shipmate,
Gustave Olsen. on board the Norwegian bark Alli-Before Judge Gilbert.

ance, at the Atlantic Dock, on the 13th of September last. The men had been on a spree in New

York, and on returning to the vessel became in-

volved in a quarrel with each other, during which

the prisoner stabbed Olsen. The injured man died

a few days thereafter.

Hoeliander is unable to speak the English lan-

guage. He is about twenty-two years of age, small

in stature and of a not very prepossessing appear-

MARINE COURT-PART 2. A Husband's Liability.

Alexander T. Stewart & Co. vs. Christopher Martin.-This was an action to recover \$154 66 of the detendant for a bill of dry goods sold to his wife on the 23d of last May. Mrs. Mary A. Martin

Brooklyn's Bond Robbery-A Suit Commenced Against Kessler's Property.

Before Judge Gilbert, Corporation Counsel DeWitt, of Brooklyn, yesaccused Kessler of stealing the bonds, Kessler offered to deposit \$3,000 with the Comptroller until the latter could satisfy himself of Kessler's innocence. Mr. Schroeder refused to accept the proposition, although he could have protected the interest of the city to that amount at least. Now, however, he has sued out an attachment against the property, but too late to recover much out of it. On Monday morning last Mr. P. Keady, Mr. Kessler's counsel, presented a check for \$1,800 at the bank, and it was paid in full and subsequently handed over to Mr. Kessler, it appears, commenced an account in that bank on the 3d of July last, when he deposited the sum of \$4,271 48. He also deposited \$1,715 on the 2d inst., and on the 4th inst. he drew the check for \$1,800, which he paid to his counsel, Mr. Keady. Mr. Kessler claims that his bank account is all right, and yesterday he presented a check for \$4,001 52 the balance remaining. The Sheriff's officer arrived soon after with an attachment against Mr. Kessler's bank account, but it will be seen the city authorities were too late.

The Havana Bank Robbery-Serious Charge Against the Spanish Consul. Before Judge McCue.

On the 3d of August last Maria Urrach de Luca was arrested, in company with two Spaniards, who are alleged to have been implicated in the robbery of the Commercial Bank of Havana. The arrest was made down the bay, aboard the steamer City of Mexico. Maria charges that the Spanish Consul and the officers accompanying him searched her baggage and took from her some diamond jewelry and money, amounting to \$19,000, which she has and money, amounting to \$19,000, which she has not since recovered. All the prisoners were brought to Brooklyn, and subsequently Maria was discharged by Judge McCue. She now seeks to recover the property, and the Court has issued an order for the Consul to show cause why it should not be returned. The following affidavit has been made by Maria touching her case.

order for the Consul to show cause why it should not be returned. The following affidavit has been made by Maria touching her case.

City of Brooklyn, County of Kings, ss.—Maria Urrach de Luca, being duly sworn, deposes and says:—That, on the 29th day of July, 1873, she sailed from Havana for New York on the steam lip City of Mexico, having previously procured from the authorities a passport in legal form, and having personally engaged and paid for her passage. That, on arrival at Quarantine on the 3d day of August, 1873, several men, to her unknown, but whom she has since ascertained to be one Manuel Suarez, an employe of the Spanish Consul at New York, and some police officers or detective agents, arrested the defendant and conveyed her to prison, where size was detained until the 6th day of August, 1873, on which day she was brought before the flom. Alexander McCue, City Judge, and by him ordered to be discharged. Deponent further says that at the time of making such arrest said suarez and the officers accompanying him scarched deponent's baggage, and also searched her person, and took from her, and nave since kept and still keep from her, the following property of the deponent of control of the deponent of the control of the deponent of the control of the deponent of th street, on the 24th of September last. The evidence showed that the accused was near his own house at the time and that he was an employe in the St. Nicholas Hotel. A verdict of "not guilty" was rendered by the jury.

John Kane and John Dineen were also acquitted of a charge of grand larceny, preferred by Patrick Kearing, who alleged that on the night of the 14th of September the prisoners stole \$100 from his person. It was shown beyond all doubt that the complainant had been drinking for hours during the evening, and although the prisoners were in company with him most of the time he told a respectable witness that he did not believe that Kane and Dineen stole the money.

William Madden, who was jointly indicted with William Burke for assaulting Henry Rice on the 1st of June and stabbing him with a knife, was found not guilty. Burke was convicted some months ago. Madden was charged by Rice at the time with handing a knife to Burke, but when he (Burke) went on the stand he said he might be mistaken about that. His Honor intimated to the jury that the complainant had been tampered with.

Charles Moore Bailed in \$5,000.

It will be remembered that over a year ago Charles Moore was tried and convicted of swindling bondsman. As the complaining witness was a German emigrant and has left for parts unknown, it is not probable that Moore will be retried. Recorder Hackett succeeded in breaking up the emigrant ticket swindling establishments down town by sending McDermott, Moore and others to the State Prison.

BURNEY, Notary Public, Kings county.

The case was before Judge McCue yesterday, when General Craig, for the defence, submitted an amidavit of the Consul, setting forth that Maria admitted that the property was a part of the proceeds of the robbery; that her own property had been restored to her; that the assignment was unliv explained to her, and that there was no fraud or deceit about it. General Craig contended that the Consul had merely done his duty, and characterized the charges against him as entirely unlounced and scandalous in the extreme.

Judge McCue will try the claim on the 16th inst., to which date the case was adjourned. BURNEY, No.ary Public, Kings county

Court of Appeals day calendar for October 10:Nos. 67, 30, 81, 24.

COURT CALENDARS—THIS DAY.

SUPKEME COURT—GENERAL TERM.—Nos. 248, 50, 53, 112, 116, 119, 120, 8, 14, 24, 56, 121, 123, 205, 212, 64, 140, 141, 142, 144, 146, 146, 147, 148, 149, SUPREME COURT—CRECUIT—PART 1—Held by Judge Davis.—Criminal business (Oyer and Terminer). Part 2—Held by Judge Van Brunt—Short causes.—Nos. 1338, 1340, 1284, 1626, 1996, 2674, 970/6, 1932, 2255, 2296, 2265, 2408, 2474, 2636, 2764, 970/6, 1932, 12284, 14245, 1555, 2078, 2556, 2662, 2634, 2892, 1772.

SUPREME COURT—SPECIAL TERM—Held by Judge Fancher.—Nos. 13, 14, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76, 77, 78, 79, 80, 81, 82, 83, 84.

SUPREME COURT—CHAMBERS—Held by Judge Barnett.—Nos. 8, 39, 86, 87, 89, 94, 102, 113, 114, 119, 127, 129, 162, 163, 164, 165, 169, 171, 190.

SUPREMO COURT—PART 1—Held by Judge Barnett.—Nos. 61546, 71, 713, 72, 72, 73, 733, 735, 737, 739, 741, 743, 745. Part 2—Held by Judge Preedman.—Nos. 460, 672, 674, 550, 682, 684, 686, 688, 696, 692, 696, 698, 702, 705, 708.

COURT OF COMMON PLEAS—TRIAL TERM—PART 1—Held by Judge Part—Held by Judge Daly.—Nos. 39, 1343, 1968, 1699, 2993, 2294, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, Part 2—Held by Judge Loew.—Nos. 2277, 2278, 2279, 2280, 2281, 2282.

COURT OF COMMON PLEAS—EQUITY TERM—Held Contracts Awarded for Granite Supplies and Other Materials - Old Claims Against the Commission.

> sioners of Accounts, requesting a statement of contracts and claims on file in the Department of Docks, unpaid on August 1, 1873, the Executive Committee authorized the Treasurer (Budd) of the department to transmit the following report:— McIntire & Smith. contracts. \$18,011
> Peter Blessington, granite for piers. North River. 2,754
> Cornelius H. Delamater, repairs on floating derrick. 62
> Cobanks & Thrail, repairs on steaming to the New York Frinting Company, stationery and printing in 1871
> Nelson Murrill, for searching titles of piers 44
> North River and 50 and 51 East River. 1,796

> Total. \$25,310
>
> The contract for sand and broken stone for concrete, and rip-rap stone for foundations, for one year, from October 1, 1873, was awarded to Charles A. Harrington, of No. 414 West Thirty-fourth street. The contract for supplying grantle for the building of sixteen arches at Pier No. 1 North River was given to the Uneco Quarry Company, Oneco, Conn., as being the lowest bidder. It was reported that the piers near Thirty-fourth and Forty-sixth streets, North River, were in an unfit condition for travel and dangerous to passers by, and some action was requested by the Commissioner of Public Works.

Comptroller Green reports the amounts paid

CUSTOM HOUSE SEIZURE.

Deputy Surveyor Brainerd Howell, Deputy Surveyor Lewis J. Kirk and Inspector George W. Liv-ingston, aid to the first named, seized two large sized French trunks yesterday on board of the Cunard steamer Java. The contents of the trunks consisted of all kinds of valuables—silks, laces, bijouterie, &c.—to the value of about \$5,000, which the owner endeavored to smuggie into port without paying duty. The goods were sent to the selzure room, in the Custom House, and proceedings commenced at once for condemnation.

PHILADELPHIA, Oct. 9, 1873. A number of female operatives employed in Campbell's mill at Manayunk have struck, in consequence of a reduction of their wages, with only five days' work in the week. The strikers are visiting other mills to induce a general strike,

STOKES' THIRD TRIAL.

The Challenge to the Jury Array of Defendant's Counsel Sustained.

JUDGE DAVIS' DECISION.

Counsel Withdraw the Challenge and Announce Their Desire to Proceed with the Trial.

Empanelling the Jury---Six Jurors Obtained.

INCIDENTS IN COURT.

The proceedings in the Stokes' case yesterday were rather remarkable in these days of dilatory action in courts of law for the progress made in obtaining a jury. This, no doubt, was due to the disposition evinced by the counsel for the defence to interpose no technical objections to a fair, speedy and impartial trial of their unfortunate client. Two years have now nearly elapsed since the crime with which he stands charged was committed, and though no palliation or extenuation arises therefrom, yet the fact of prison sufferings so long endured and that hope deferred which maketh the heart sick, so long, no doubt, the mainstay of Stokes' existence, is sufficient incentive to risk the pending issue to as short a trial as possible. It was probably from this feeling on the part of Stokes and his nearest friends and advisers that his counsel urged no more technical objections to jurors yesterday, and owing to which

SIX JURORS WERE SWORN ON THE TRIAL.

At the adjournment of the Court Judge Davis stated, in the course of his replies to the remarks of defendant's counsel in urging their objections on the previous day to the jury panel, that he was satisfied that the defence intended to proceed on the trial of the case in good faith and WITH AN HONEST INTENTION

to rest their cause upon such a defence as they could establish. The prosecution—Mr. District Attorney Phelos leading—have thus far shown no disposition to press their side of the case beyond the limits which a just and conscientious sense of public duty demands, and hence the public may rest satisfied that the third trial of Stokes for the murder of James Fisk, while it may not occupy so much of the time of the Court as did the two former trials, will nevertheless be as ably, impartially and strenuously prosecuted and defended as the others.

the others.

It will be seen from the subjoined report of the

It will be seen from the subjoined report of the proceedings that Judge Davis sustained the chailenge of defendant's counsel to the Jury array. Here was an important point gained by the defence, if delay had been the object sought for, in presenting the challenge. On the conclusion of the Judge's decision, however, counsel for Stokes arose and, in a lew remarks explanatory of their action on the question, withdrew the challenge, with the permission of the Court, and then stated that they were ready to proceed with the case.

The empanelling of a jury was then proceeded with. The only incident of public interest in this connection was the eliciting of the fact from a juror on the witness stand, when questioned as to his availability to serve on the jury, that a person had approached him, knowing him to have been summoned, and sought to entice him into a conversation on the subject, but which he had evaded. The juror was not sworn, and the Court ordered a summons to issue against the party to bring him before the Court and show cause why he should not be punished for contempt.

The prisoner and his relatives and friends were

tempt.

The prisoner and his relatives and friends were early in Court. Counsel on both side were also up to time, and punctually at half-past ten o'clock A. M. Judge Davis took his seat on the bench.

THE CHALLENGE TO THE ARRAY SUSTAINED-JUDGE DAVIS' OPINION.

Judge Davis on taking his seat on the bench at once proceeded to deliver his decision on the point raised on the previous day as to the legality of the jury array. Judge Davis said:-

jury array. Judge Davis said:

I have given the challenge interposed by the defendant as full an examination as time has permitted. I regret to say the condition of my eyes is such that I have not been able to put my views on paper. The statute regiliating the drawing of lurors for the city and centry of New York puts the entire preliminary machinery into the hands of a single officer, who is clothed with very large and to a great extent judicial powers over that subject. On him is conterred the examination of persons who usually constitute a jury list of the county, and to him is riven alone the power to decide upon their qualifications, upon their general exemption, until he shall have eliminated from the general list, which he enters in his book in the first place, and have reached a conclusion as to a list ultimately. In pursuance of the statute, to be filed by him. He is an officer, as I have said, clothed with quasi-judicial powers, in the exercise of which he is subject to no control by Court or any other authority, except the legislature, unless he be guilty of such violation of official duty as may aubject him, in certain cases, to indictment and punishment under the statute. Now, if the question presented here related to the propriety of his selection of a list of urrors ercise of which he is subject to no control by Court of any other authority, except the Legislature, miless he be grill, yof such to lasses, to indiction and any subject find of such to lasses, to indiction and any subject indiction of a list of unors or any question touching the qualification of those whose names he had included in that list or the right or propriety of excluding any or of including any he should have excluded from the list, there can be no doubt that there would be no ground for challenge to the array or any challenge touching the persons placed upon the politor a jury for this or any other Court. These are the points which seem to have been decided in the cases to which my attention has been called, as for instance the Jewett case. A case stronger on some points, Judge Davis said, was charged that some sixty names had been removed from the list. If that case stood alone he would be bound, though not agreeing with its reasons, to sustain the demurrer. But in a case in the Second district, the People vs. McCloskey & Parker, 303, he found a case more binding on him. In that case it was charged that some unauthorized person had placed six names in the intry box, and in that case, though he himself thought the Court night have avoided he objection by excluding the intrinded jurors, the General Ferni held that when, the objection was to the model in which to the case to the Queen vs. O'Connell, and was binding on him. The statute prescribed the duties of the Commissioner of Jurors. He was to enter in a book the names of all persons ascertained by him from any source—supposed to be qualified ori jury duty. Then he was to publish a notice and proceed to an investigation to ascertain which of the names so on the book were qualified and subject to jury duty. This was a wast labor, especially if this general book contained 30,000 names. The fact that a name was entered on the book had no control or relation to the utilimate list to be made up from such examination. He was to decide who on this book was

Lam of opinion that the demurrer should be overruled, and that will leave to the District Attorney, it
has all that will leave to the District Attorney, it
has chooses, to answer over in such form as he may be
divised.

Mr. Dos Passos—Although, may it please Your Honor,
the challenge to the array was interposed by the counsel
for the defendant in perfect good faith and upon the assumption which has been sustained by the learned opinion Your Honor has delivered, that the grounds which
they laid down in the challenge were correct in principle, yet in view of the delay and conussion which may
ensue from the sustaining of this challenge, and from the
desire and anxiety of the prisoner as well as his counsel
that this case shall be proceeded with at once, I am
instructed by my learned associates, if Your Honor
concurs with us, to withdraw this challenge, although
it was predicated upon information communicated
to me in person by the gentieman who holds the office of
Commissioner of Jurors. Yet, from facts which have
come to our knowledge since the argument of this challenge, we believe that there was no completed list of
jurors in the office, and that the Commissioner referred
to the fact that there were between 20,000 and 30,000 persons who were on his list tor jury duty. He referred to
those contained on his register, not that completed list
which is intended to be embraced and which is understood by the challenge to the array. We, therefore, if
Your Honor consents, withdraw the challenge.

Mr. Treuman added that he had, since the adjournmeter, and had, a long conversation with Mr. Douglas
The process of cettling a jury.

really the mere concerned in makes from which to make it. In any case they should have withdrawn this challenge.

EMPANELLING A JULY.

The process of getting a jury was then entered on. The first called was Daniel D. Orrell, real estate broker, of No. 337 Fifth avenue. He has resided in the city for over twenty-five years. At the time of the tragedy he read the papers and formed an opinion, but he believed that he could be guided solely by the evidence given.

The Court ordered an order to issue to James H. Watson to show cause at the opening of Court on Friday why he should not be punished for contempt. Mr. Drake had an opinion which made him incapable, but the third man called, Thomas White Bartholomew, of No. 439 East Flity-seventh street, an elderly gentleman, plainly fair-minded, though confessing to a slight bias, was accepted at twenty-five minutes past twelve P. M.

Jacob Wolfgang Knapp was so philosophical that

he was excused by both sides. Samuel Abrahams' opinions were too settled, and Mr. Loomis Ballard had taked too recently about the case.

Two jurors were discarded and then Joseph Hauck, of 32 avenue A, was called. During his examination the Court took a recess, and immediately after recess he was accepted as second juror.

Evan S. Hoopes was the next one to pass and was sworn in as third juror. Both this and the last juror had hitherto escaped jury duty.

George Wright Aiston said the opinion he had expressed was that Stokes onght not to be hanged. He, however, was quite clear that he could notwithst anding his expression of opinion, act carly and impartially. He passed the principal challenge, but was rejected on the challenge to the favor.

Edward Sterling Calhoun, wholesale saddler, the

Edward Sterling Calhoun, wholesale saddler, the fifteenth called, was sworn in as fourth juror.

Jacob Metz. clothler, the twenty-first man called was sworn in as fifth juror.

Lemnel Heyward, of No. 220 West Forty-fourth street the twenty-fourth man called, though he had expressed the opinion Stokes ought to be hanged, passed both challenges, but was stopped by the prisoner's first peremptory challenge.

Joseph W. Wentworth, twenty-sixth man, had expressed an opinion that if the prisoner was guity he should be punished, if innocent discharged. He supposed he had formed some opinion at the time of the occurrence, but didn't remember what. Challenged peremptorily.

Charles G. Peters, the thirty-first man answering, was accepted as sixth juror at five minutes past four.

Charles G. Peters, the thirty-first man answering, was accepted as sixth juror at five minutes past four.

During the day thirty-six jurors in all were called, thirty-one answered. Kine passed the ordeal of challenge for principal cause and to the lavor, but of these one was peremborily challenged by the prosecution and two by the defence.

The two who did not answer were each fined \$60. This, with three excused, left but ten in the box, and the Court ordered a new panel for to-day.

It was ten minutes past four o'clock when the sixth juror was obtained. There was a general look of satisfaction on the part of counsel, the Judge, and everybody in fact at this successful crowning of the day's protracted session. It was evidently a much better result than was anticipated, and instead of the several days which it was supposed must necessarily be consumed in getting a jury, there is now strongly confident hope of winding up to-day this laboriously monotonous preliminary procedure.

Judge Davis asked Mr. Sparks, the Clerk, how many names still remained in the panel, and on being answered that there were only some dozen names in the box, ordered an additional panel of one hundred names to be prepared for this morning. The Judge then, after imposing a fine of \$50 each on two jurors who had lailed to attend, directed officers to be sworn to accompany the jurors aiready accepted to their respective houses and remain with them till their return this morning to court. He told the six jurors that, while he desired to submit them to as little personal inconvenience as possible, and, while having the strongest confidence in their individual integrity, he left it his duty to take this course and prevent the approach of any parties aiming in any way to influence their final judgment in the case. After a lew further words of counse to the jurors and explanation of the serious trust committed to them he ordered the Court to be adjourned till ten o'clook this father and bother, who had remained all day in Court, was taken by a dep

CATHOLIC TOTAL ABSTINENCE UNION.

An Interesting Session Yesterday-A Telegram of Sympathy Sent to His Holiness the Pope-An Address of Welcome to the Catholics of Ireland-Election of Officers.

The Catholic Total Abstinence Union met again esterday morning in Irving Hall, Rev. James McDevitt, of St. Matthews' church, Washington, in the chair. Mr. Benedict J. O'Driscoll acted as secretary. There was a very large attendance, and a great deal of interesting business was transacted.

The following telegram was directed to be sent

The following telegram was directed to be sent to the Pope:—
The Catholic Total Abstinence Union of America in convention, greet your holiness and beg your blessing."
Rev. Father Ireland read
An Address to his Holiness
the Pope, expressive of the sincere sympathy of the Union with him in his severe trials.
The proceedings of the Board of Government at Philadelphia last year and at New York this year were confirmed.
The Treasurer's report was read, showing that the union numbered 255 societies and 27,000 members, and that there was a balance of \$565 87.
The Committee on Resolutions reported a series of resolutions expressing sympathy with his Holiness the Pope, advising the formation of cadet societies, recommending attendance at the holy communion four times a year, and recognizing the admirable services of Rev. Father Burke. The resolutions were adopted.
A resolution was passed to hold a session of the Union at the grand centennial celebration in Philadelphia in 1876, and
TO ERECT A FOUNTAIN
in Fairmount Park to commemorate the day.
The Convention then adjourned till hair past two o'clock in the afternoon. In the afternoon session the Rev. Father Weish, of Hartford, read an address to the Catholics of Ireland and the United States, expressing the hope that they would plant the flag of temperance in every Catholic home.
Mr. Bernard Murray, of Philadelphia, read an address to the Irish Catholics, extending to them a hearty greeting and speaking of the advances made in Ireland in the work of reform.

The address was
REPERRED BACK TO THE COMMITTEE
for correction, Mr. O'Driscoll being added to the

ommittee.
The Committee on Constitutional Amendments The Committee on Constitutional Amendments submitted their report. The first section, excluding all societies who did not belong to some local union, gave rise to considerable debate. Mr. W. N. O'Brien, of Pennsylvania, protested against the new section, because unions were apt to be tyrannical. This section excludes the Young Men's Society of St. James, as they withdrew from the local unions. Mr. Lawrence J. Gouiding, the representative of the society, wanted to protest, but was unable to do so in consequence of the cries for the "previous question." The section was subsequently amended so as to give the Society a chance to join the local union, Mr. Gouiding protesting that the Union had no right to exclude the Society after having admitted it on the day before.

The committee for drafting an address to the Catholics of Ireland presented a new address of fraternal greeting, which was adopted.

Rev. Father IRELAND reported the address to the Loty Father asking his blessing, which was adopted.

adopted.

Father Byrne, of Trenton, N. J., was unanimously elected President for the ensuing year.
The Convention remained in session until mid-

THE NATIONAL GAME.

Beaten by the Nameless.
From 500 to 600 people assembled on the Prospect

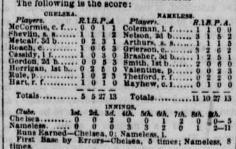
Park Parade Ground yesterday afternoon to witness the game between the Nameless Club, of Brooklyn, and the Chelsea Club, of Williamsburg. The latter club has, for some time past, been considered the finest amateur organization in this vicinity, possessing as it does a remarkably strong the services of one of the swiftest pitchers, and as the services of one of the saltes pine, they are now they always nad a fine fielding nine, they are now in condition to successfully cope with anything

they always and a fine fielding nine, they are now in condition to successivilly cope with anything short of a professional nine.

The game yesterday opened well for the Nameless, their opponents failing to hit valentine for a single base until the fifth inning. In the third inning, however, they got in 2 runs on called balls. In the fourth inning the Nameless took the lead by scoring 3 runs and from this to the close of the contest led the Williamsburgers with

ease.

Rule's pitching did not seem to bother the Name-Rule's pitching did not seem to bother the Name-less boys to any great extent, but Valentine's swift delivery was aitogether too much for the Chelseas. Grierson, Brasher, Harmon and Nelson played their respective positions in most beautiful style, as did also Thefford, a running fy catch by him Grierson, Brasner, Harmon and Neison played their respective positions in most beautiful style, as did also Thetford, a running fly catch by him being especially praiseworthy. Metcalf did the best fielding for the Cheiseas. The umpiring was very good and gave universal satisfaction. The following is the score:



ines. Total Fielding Errors—Chelsea, 13: Nameless, 7. Umpire—Mr. Gardner, of the Staten Island Club, Time of Game--1 hour and 45 minutes. Base Ball Notes.

The Mutuals play the Baltimoreans on the Union grounds next week.

The Nameless and Staten Island clubs play at Staten Island one week from to-morrow.

MARRIAGES AND DEATHS.

ALLISON-OLIPHANT. On Wednesday, October 1, 1873, at the State street Methodist Episcopal church, by the Rev. Samuel Vansant, Miss NETTE

W. OLIPHANT to Mr. SAMUEL C. ALLISON, both of Jersey City.

BLOOD—GARDNER.—On Thursday, October 9, by the Rev. Dr. J. Flagg, at the residence of the bride's parents, O. Howard Blood to Lulu W., daughter of Dr. H. K. Gardner, all of this city. No cards.
Boston papers please copy.

DE FORENT—ROWAN.—On Wednesday, October 8, by Rev. E. P. Ingersoli, John De FOREST, to Carrie R. Rowan, all of Brooklyn, N. Y.

FORSTER—GUMS.—On Wednesday, October 8, at 8t. Matthew's church, by the Rev. Richard Abercrombie, William J. Forster to Julia. daughter of Edward Gumbs, all of Jersey City, N. J.

GODWIN—WEATHERED.—On Wednesday evening, October 8, at Christ's church, Bedford avenue, by Rev. A. H. Partridge, Samuel Airsworth Godwin to Miss Emily, eldest daughter of Thomas W. Weathered, Esq., all of Brooklyn, E. D.

GOBDON—Nickerson.—On Thursday, October 9, at the residence of the bride's parents, by the Rev. J. W. Sellick, Charles Walton Gordon to Carrie Adrile, daughter of P. W. Nickerson, Esq., all of Brooklyn, E. D.

GA NUN—Kirkham.—At the residence of the bride's parents, at Brewster's, Pninam county, N. Y., on Wednesday, October 8, by Rev. D. D. Labier, Stan Ga Nun to Estelle A., daughter of Renben W. Kirkham, all of the above place.

JAFFRAY—CARR.—On Thursday, September 25, 1873, by the Rev. J. G. Oakley, Joseph M. Jaffray to Ida P. Carr.—On Thursday, September 25, 1873, by the Rev. J. G. Oakley, Joseph M. Jaffray to Ida P. Carr.—On Thursday, September 25, 1873, by the Rev. J. G. Oakley, Joseph M. Jaffray God, Esq.

Boston and Providence papers please copy.

Layton—Gardner.—At Newark, N. J., on Wednesday, October 8, by Rev. J. P. Wilson, D. D., Jacob M. Layton, of South Norwalk, Conn. (formerly of Newark, N. J.), to Mary A. Gardner, On Newarks.

Taylor—Wood.—At Harlem, at the residence of the bride's brother, on Wednesday, October 8, by Rev. Charles Fluhrer, William F. Taylor, Ottober 9, by Rev. J. H. Hopkins, Frank B. Van Siclen of this city, to Agnes E. Wood, of Cold Spring Harbor, L. J.

Van Siclen—Wilkens.—On Thursday,

VAN SICLEN—WILEINS.—On Thursday, October 9, by Rev. J. H. Hopkins, Frank B. Van Siclen to Lettie M., youngest daughter of W. H. Wilkins, Esq., of Whitestone, N. Y.

Esq., of Whitestone, N. Y.

Died.

Bird.—In Brooklyn, on Wednesday, October 8, after a short liness, George F. Bird, aged 42 years, 1 month and 19 days.

Relatives and riends of the family are respectfully invited to attend the funeral, from his father's residence, 73 Concord street, Brooklyn, on Friday, at haif-past two o'clock P. M.

Boston papers please copy.

BYRNE.—On Thursday, October 9, Margarer, widow of Edward Byrne, aged 87 years, a native of Ballekaneen Clonasiee, Queens county, Ireland.

The friends of the family are respectfully invited to attend the funeral, irom the residence of her son-in-law, Charles McGovern, Seventy-seventh street, near First avenue, on Saturday, October 11, at one o'clock P. M.

CONWAY.—On Wednesday, October 8, WILLIAM, son of Mary Conway, of No. 4 Washington square, aged 24 years.

Friends are invited to attend the funeral, from

at one o'clock P. M.

CONWAY.—On Wednesday, October 8, WILLIAM, son of Mary Conway, of No. 4 Washington square, aged 24 years.

Friends are invited to attend the funeral, from his late residence, No. 186 West Fourta street, on Friday, October 10, at one o'clock P. M.

COYLE.—At Port Richmond, Wednesday, October 8, Cornelius Coyle, aged 75.

Funeral at the Reformed church, Port Richmond, this Friday) afternoon, at haif-past two o'clock.

DEMPSEY.—On Wednesday, October 8, Margaret Ann Baxter, wife of Patrick Dempsey, of No. 202 Madison street.

Her remains will be interred in Calvary Cemetery on Friday, October 10.

Washington papers please copy.

FULLERTON.—On Wednesday, October 8, Elland Florence Huger, infant daughters of Robert and Ella Fullerton, aged 1 month and 8 days.

White hands o'er white bosoms foided;

Lip and cheek and forehead cold;

Two fair forms, in beauty monided,

Faled ere their hearts grew old.

The inneral will take place from the residence of their parents, 348 East Fourth street, this (Friday) afternoon, at half-past one o'clock.

GRAEY.—At Hong Kong. China, on Wednesday, July 24, Kate Applieron, wife of H. Seymour Geary and daughter of William H. and Mary Appleton.

The inneral services will be held at Christ church, Riverdale-on-Hudson, Friday, October 10, at two o'clock P. M. Interment at Woodlawn Cemetery, Special cars, from Thirtieth street station, at one P. M.; returning, leave Riverdale at 3:29 and 5:04 P. M., or from Woodlawn station at 4:46 P. M.

GIRTH.—On Thursday, October 9, 1873, of apoplexy, Perzen Girth, in the 86th year of his age.

The erelatives and friends of the family are respectfully invited to attend the funeral, on Saturday, October 11, from his late residence, Thirtieth street, Bayonne City, N. J.

GREES.—On Wednesday, October 8, Mrs. Anne Green, or Wednesday, October 11, from his late residence, Thirtieth street, Bayonne City, N. J.

GREES.—On Wednesday, October 5, from Inliamore, Kings county, Ireland.

Funeral from the residence of her son-in-law, arthur Blane

62 years.

Friends of the family are respectfully invited to attend the funeral, from her late residence, 667 Greenwich street, on Sunday, at one o'clock P. M. Holland.—On Thursday, October 9, Ella, daughter of the late Daniel and Margaret Holland, aged

ter of the late Daniel and Margaret Holland, aged 18 years.
Relatives and friends are invited to attend the funeral, from her late residence, No, 317 West Thirteenth street, on Saturday, October 11, at two o'clock P. M.

MADDEN.—At his residence, No. 134 Hester street, on Thursday, October 9, PAUL MADDEN, aged 40 Years.

Notice of funeral in Saturday's papers.

MAYNC.—On Thursday, October 9, at six o'clock A. M., Florence, youngest daughter of Charles and Caroline Maync, aged 5 months and 22 days.

MOORE.—On Wednesday, October 8, after a short but paintui tilness, MARTHA JANE, beloved wife of John Moore, aged 5 years, 9 months, 25 days.

Relatives and friends of the family are respectfully requested to attend her funeral, on Friday evening, 10th inst., at eight o'clock, from her late

evening, 10th inst., at eight o'clock, from her la

evening, 10th inst., at eight o'clock, from her late residence, 38 Bedlord avenue, Brooklyn. The remains will be taken to Rye, N. Y., for interment on Saturday morning.

California papers please copy.

O'HARA.—On Wednesday, October 8, MARY O'HARA.—On Wednesday, October 8, MARY O'HARA. a native of the town of Poles, parish of Annagelliphe, county Cavan, Ireland, aged 80 years.

The relatives and friends of the family are respectfully invited to attend the funeral, from her late residence, 73 Cannon street, on Saturday afternoon, at half-past one o'clock.

O'SULLIVAN.—On Thursday, October 9, Mrs. ELLEN, O'SULLIVAN, late of Clooney Tousist, Kenmare, Kerry, Ireland.

Will be buried from her late residence, 115 Ellzabeth street, on Friday, October 10, at two o'clock.

Phinkert.—At her residence, 146 East Sixteenth

beth street, on Friday, October 10, at two o'clock P. M.

PLUNKETT.—At her residence, 146 East Sixteenth street, ELIZABETH A., beloved whie of John Plunkett, in the 28th year of her age.

The relatives and friends of the family are respectfully requested to attend the inneral, from St. Ann's church, Twelfth street, on Saturday, October 11, where a solemn requiem mass will be offered for the repose of her soul, at half-past nine, and thence to Calvary Cemetery, for interment, at one P. M.

PULVER.—At Yonkers, on Wednesday, October 8, Mrs. JANE PULVER, in the 72d year of her age,
The relatives and friends are respectfully invited to attend the funeral, at her late residence, on Saturday, October 11, at two o'clock P. M.

QUINCY.—On Wednesday, October 8, FRANCES AMANDA, wife of Josiah Quincy, in the 27th year of her age.

Estatives and friends are invited to attend the

QUINCY.—On Wednesday, October 8, Frances Amanda, wife of Josiah Quincy, in the 27th year of her age.

Relatives and friends are invited to attend the fineral, from her late residence, in South Orange, N. J., Friday afternoca, at half-past two. Train leaves foot of Barclay street at 1:10; returns at 4:07.

ROBINSON.—On Thursday, October 9, at his residence, on Jersey street, New Brighton, S. I., John Robinson.

Friends and relatives are respectfully invited to attend the funeral, on Saturday, October 11, at two o'clock P. M.

SNEDERER.—At Gravesend, on Thursday, October 9, 1873, Mrs. Maria SNEDERER, in the 83d year of her age.

The relatives and friends of the family are invited to attend the funeral, on Sunday, October 12, 1873, from the Methodist church, Cypress Hills, at two P. M.

STEEL.—At Woodside, L. I., on Thursday, October 9, WILLIAM STEEL, in the 78th year of his age.

The relatives and friends of the family are respectfully invited to attend the funeral, on Sunday, October 12, at 12 M., from his late residence, Woodside. The remains will be taken to Greenwood for interment. Train leaves Hunter's Point at half-past eleven A. M.

STEVENS.—On Tuesday, October 7, at Hoboken, N. J., James Alexander Stevens, in the 84th year of his age.

The relatives and friends of the family are invited to attend the funeral, from St. Paul's church, Hudson street, between Eighth and Ninth, Hoboken, on Friday afternoon, October 10, at two o'clock.

STOPPELKAM.—On Thursday, October 2, Willer, M.

Hudson street, between Eighth and Ninth, Hoboken, on Friday afternoon, October 10, at two
o'clock.

STOPPELRAM.—On Thursday, October 9, WILLE,
infant son of Augustus and Juidia Stoppelkam,
aged 3 weeks and 2 days.

The relatives and friends of the family are respectfully invited to attend the funeral, on Friday,
October 10, at one o'clock P. M., from the residence
of its parents, No. 376 Grand street.

Torry.—Suddenly, on Thursday morning, October 9, Mary Terry, widow of Joseph H. Terry,
United States Navy.

Notice of funeral hereafter.
Thornnikk.—At Interlaken, Switzerland, on
Tuesday, October 7, Hanristta, widow of Augustus
Thorndike, of Boston.

Tonn.—On Tuesday, October 7, Chorlia, the beloved wife of George Tobin, aged 45 years, 11
months and 7 days.

The relatives and friends of the family are respectfully invited to attend the funeral, from her
late residence, No. 52 Watts street, on Friday, the
10th inst., at one o'clock.

San Francisco, Cal., papers please copy.

WATTS.—James William Wayts, aged 4 years and
15 days, son of Hogh and Emily F. Watts.

Friends and relatives are respectfully invited to
o'clock P. M. on Sunday, the 12th inst.

Weber.

Relatives and friends, also the members of Cyrus
Reday.

WEBER.
Relatives and friends, also the members of Cyrus Lodge, No. 208, F. and A. M., are respectfully invited to attend the funeral, from the residence of his parents, 937 Second avenue, on Sunday, October 12, at half-past twelve o'clock, precisely.
WESTERVELT.—In Bemba, Cuba, PALMER C. WESTERVELT.—In Bemba ac and Catherine Wester Velt, of Greenboint, aged 18 years and 16 days,

guage. He is about twenty-two years of age, small in stature and of a not very prepossessing appearance. He was defended by Mr. Reymert, and District Attorney Britton appeared for the people. A jury was secured with little or no trouble, and, after the opening of the District Attorney, the examination of witnesses was proceeded with.

The story of the tragedy is best told in the testimony of Anthon Everson, another sailor on board the vessel, who said:—

I knew Olsen, the deceased; we were shipmates; the Alhance came to this country from Southampton, singland; Olsen and shipped in Norway on the 18th of April Chemistry of the Southampton, singland; Olsen and shipped in Norway of the 18th of April Chemistry of the Southampton, singland; Olsen and stabled; Olsen was not on short that hight; Incellander came on board about hall-past ten o'clook, with the steward and Christian; Olsen told Hoelander to be guiet. I was in my berth; Hoelander talked awhile and then went to his berth and lay down; the next I heard there was a dispute between thristma and the steward; Ohristian spoke very loud and made Olsen mad; he got up and told Christian to be quiet and sat down on my chest; the steward came over again to Christian; Hoellander got up to defend him; I did not see the steward strike Christian, buthe put his fist in his face; Hoellander struck at the steward and him; I did not see the steward strike Christian, buthe put his fist in his face; Hoellander struck at the steward and hit olsen accidentally; Olsen said that if he hit him again he would strike him back; then two or three blows were struck; his was in the forecastle; they were quiet for a little while, but again several blows were exchanged; this time the light went out. Olsen started for the deck and Hoellander followed him; the second mate and the watchman were on decg; it did not go up on deck until I heard calis for a doctor; I saw no knile in anybody's hand on that night; I do not know that anyone on board had a knile; I could see that Olsen, was bleeding J were made throughout the month up to the 1st of

steward went en shore about six o'clock and returned about a quarter pas; ten; while these men were on shore Olsen; was on board, Olsen and I were in our berth when these men came on board; the first thing I heard was Olsen telling Hoeliander to keep quiet; as far as! know no one went out of the forceastle with Hoeliander and Olsen; I do not know that Christian Anderson went out with him, he has run away; there had been no difficulty as far as! know before this time between Hoeliander and Olsen, we all had knives.

and claen, we all had knives.

This was the principal testimony. There was no testimony for the delence, but Mr. Reymert addressed the jury on behalf of the prisoner. He was followed by Mr. Britton, who, during his address, said he did not claim a conviction for murder in the first degree.

The jury convicted the prisoner of manslaughter in the third degree, and Judge Gilbert sentenced him to the State Prison for two years and six months.

SUPREME COURT-SPECIAL TERM

terday commenced a suit against the property of Rudolph Kessier, charged with stealing city bonds out of the Comptroller's office and on the affidavits in the case, Justice Gilbert granted an attachment against Kessler's bank account in the First National Bank. When the Comptroller first accused Kessler of stealing the bonds, Kessler

the procesds of any rolbery.

Her

MARIA X URRACH DE LUCA.

mark

Sworn to this lat day of October, 1973, before me—C. L.

COURT OF APPEALS CALENDAR.

THE DOCK COMMISSIONERS.

The Commissioners of Docks met yesterday after-noon. The entire Commission was present. In reply to a communication from the Commis-

\$25,310

THE COMPTROLLER'S RECEIPTS.

Taxes for 1873, discount on, about
Assessment on street openings and improvements
and interest.
Arrears of taxes and assessments, water rents and
interest
Croton water rents and penalties.
Permits to build vaults.
Rents, licenses and sundry receipts—Department
of Public Parks,
Permits to tap water pipes.
Permits for street stands, signs, &c.—Mayor's
Office. 1,673

Total \$335,520
Yesterday Comptroller Green, through Paymaster Palis, paid \$8,517 to laborers of the Department of Docks.

MILL WOMEN ON A STRIKE